



RE: Access Agreement

Steve Wharton to: DC Orr

08/03/2011 12:49 PM

Bill Murray, Carol Campbell, Jim Martin, jpodolinsky, Kirby
Cc: Campbell-Rierson, kristin.smith, Libby Faulk, Iscusa, Mike Cirian,
rodriguez-newstroml, Sean Earle, Sonya Pennock, Victor

DC, It looks like the best time for everyone to meet next Tuesday is 10:30am, and I suggest we meet at the Libby Information Center. Regarding your question about whether we can discuss conditional access to your property, the answer is yes. I understand you have specific concerns about granting access, and EPA also wants to ensure that, if we engage in work on your property, we will have adequate access and opportunity to perform the work in a timely and professional manner.

Please let me know if this arrangement will work for you.

Thanks,
Steve Wharton

DC Orr	Mr. Wharton; I will be sure to be available on t...	08/03/2011 05:07:58 AM
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From: DC Orr <xcav8orr@hotmail.com>
To: Steve Wharton/R8/USEPA/US@EPA
Cc: Bill Murray/R8/USEPA/US@EPA, Carol Campbell/R8/USEPA/US@EPA, Jim Martin/R8/USEPA/US@EPA, <jpodolinsky@mt.gov>, Kirby Campbell-Rierson <kirby_campbell-rierson@baucus.senate.gov>, <kristin.smith@mail.house.gov>, Libby Faulk/R8/USEPA/US@EPA, <iscusa@mt.gov>, Mike Cirian/R8/USEPA/US@EPA, <rodriguez-newstroml@cdm.com>, Sean Earle/R4/USEPA/US@EPA, Sonya Pennock/R8/USEPA/US@EPA, Victor Ketellapper/R8/USEPA/US@EPA, Virginia Sloan <virginia_sloan@tester.senate.gov>
Date: 08/03/2011 05:07 AM
Subject: RE: Access Agreement

Mr. Wharton;

I will be sure to be available on the morning of the 9th, let me know a specific time.

I have said I won't waste time in a meeting until I know if there is provision for a conditional access agreement. No one seems willing to answer this simple question.

Steve, I have been treated badly by your Libby Team. I've had 4 inch construction staples strewn up and down my alley, dust control measures, SAFETY measures, withdrawn from my family, water poured in my fuel tanks, etc. I don't trust these folks. I've had them lie to my neighbors in an attempt to harm our relationship. I've had them lie to me, when they don't ignore my questions. I've had them standing next door waving rude hand signals at me. They called the cops because I dumped half a load of commercially available gravel at my neighbors house, at her request!

Obviously, there is no leadership instructing your crews how to respect private property and the citizens that you serve.

I know, from thirty some years of running construction crews, that any group of men will follow the example of their leadership. EPA sent thugs to Libby, and bred crews of thugs that they have unleashed on this town.

You want me to turn my home over to these people?

The kicker is that I am their pariah because I asked questions about the bark I used for my grandchildrens play area. The very same bark that requires me to allow them on

my property for testing.

When I bought this house, I stripped every square inch, eight inches deep, and brought in new topsoil or sand. The only concern I have on this property is the bark that your Libby team allowed to leave an Operable Unit of this Superfund Site.

Throw me a bone here. Is there provision for a conditional access agreement?

Sincerely, DC Orr

> Subject: RE: Access Agreement
> To: xcav8orr@hotmail.com
> CC: Murray.Bill@epamail.epa.gov; Campbell.Carol@epamail.epa.gov; Martin.Jim@epamail.epa.gov; jpodolinsky@mt.gov; kirby_campbell-rierson@baucus.senate.gov; kristin.smith@mail.house.gov; Faulk.Libby@epamail.epa.gov; lscusa@mt.gov; Cirian.Mike@epamail.epa.gov; rodriguez-newstroml@cdm.com; Earle.Sean@epamail.epa.gov; Pennock.Sonya@epamail.epa.gov; Ketellapper.Victor@epamail.epa.gov; virginia_sloan@tester.senate.gov
> From: Wharton.Steve@epamail.epa.gov
> Date: Tue, 2 Aug 2011 09:46:36 -0600

>
> DC, I am replying to your request to meet with you to discuss the access
> agreement for your property. I will be in Libby next week and would
> like to set up our discussion for the morning of Tuesday, August 9th, if
> that would work for you. In addition to myself, I would like to bring
> one representative from the Corps of Engineers and one from their design
> contractor, CDM. As we have indicated previously, we have no objection
> to making a record of our conversation and agreements.

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> Please let me know if this will work for you.

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> Thanks very much,
> Steve Wharton

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> From: DC Orr <xcav8orr@hotmail.com>
> To: Jim Martin/R8/USEPA/US@EPA, Mike Cirian/R8/USEPA/US@EPA
> Cc: Bill Murray/R8/USEPA/US@EPA, Carol Campbell/R8/USEPA/US@EPA,
> <jpodolinsky@mt.gov>, Libby Faulk/R8/USEPA/US@EPA,
> <lscusa@mt.gov>, <rodriguez-newstroml@cdm.com>, Sean
> Earle/R4/USEPA/US@EPA, Sonya Pennock/R8/USEPA/US@EPA, Steve
> Wharton/R8/USEPA/US@EPA, Victor Ketellapper/R8/USEPA/US@EPA,
> Kirby Campbell-Rierson
> <kirby_campbell-rierson@baucus.senate.gov>,
> <kristin.smith@mail.house.gov>, Virginia Sloan
> <virginia_sloan@tester.senate.gov>
> Date: 08/02/2011 05:12 AM
> Subject: RE: Access Agreement

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> Mr. Martin;
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> Your Libby team is unresponsive.
> I believe it is in my best interests to allow only conditional access

> to my property, since I cannot trust your Libby team with unconditional
> access to my property.
> They have refused to respond.
> I believe they are discriminating against me because I broke the
> story about the bark issue and are going to refuse to do my CSS out of
> spite. They have already ignored my property for eleven years while I
> begged them to include me in the CSS.
> The bark issue would not have been such a big deal if EPA had simply
> answered the questions we posed in February. When the reporter saw the
> way EPA refused to respond, it raised the red flags that initiated the
> investigation.
> I can see bark in childrens play areas becoming another huge issue if
> we allow it to linger.
> I am requesting Congressional support to get an answer to my
> question.
> Is there provision for conditional access that allows me to monitor
> and record all of the work on my property?
> DC Orr

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>
> From: xcav8orr@hotmail.com
> To: cirian.mike@epamail.epa.gov
> CC: murray.bill@epamail.epa.gov; campbell.carol@epamail.epa.gov;
> jpodolinsky@mt.gov; faulk.libby@epamail.epa.gov; lscusa@mt.gov;
> rodriguez-newstroml@cdm.com; earle.sean@epamail.epa.gov;
> pennock.sonya@epamail.epa.gov; wharton.steve@epamail.epa.gov;
> ketellapper.victor@epamail.epa.gov
> Subject: RE: Access Agreement
> Date: Thu, 21 Jul 2011 11:00:59 -0600

> Mike:

>
> It is fast approaching one month since I asked the questions below:
> You have agreed to be recorded.
> The question about a limited or conditional access agreement must be
> answered before we move ahead. I even said I don't want to waste time in
> a meeting until you answer this question.
> When can I expect an answer?
> Sincerely, DC Orr

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>
> Subject: RE: Access Agreement
> From: Cirian.Mike@epamail.epa.gov
> To: xcav8orr@hotmail.com
> CC: Murray.Bill@epamail.epa.gov; Campbell.Carol@epamail.epa.gov;
> jpodolinsky@mt.gov; Faulk.Libby@epamail.epa.gov; lscusa@mt.gov;
> rodriguez-newstroml@cdm.com; Earle.Sean@epamail.epa.gov;
> Pennock.Sonya@epamail.epa.gov; Wharton.Steve@epamail.epa.gov;
> Ketellapper.Victor@epamail.epa.gov
> Date: Tue, 28 Jun 2011 14:57:11 -0600

>
> Mr. Orr,
> I have no objection to you recording our conversation in regards to the

> access agreement. Please feel free to schedule a time to discuss any
> questions you may have with the access agreement through the
> information center.

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> Thank you,
> Mike Cirian, PE
> US EPA
> Remedial Project Manager
> 108 East 9th St.
> Libby, MT 59923
> 406-293-6194

>

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> -----DC Orr <xcav8orr@hotmail.com> wrote: -----

> To: Mike Cirian/R8/USEPA/US@EPA
> From: DC Orr <xcav8orr@hotmail.com>
> Date: 06/24/2011 08:13AM
> Cc: Carol Campbell/R8/USEPA/US@EPA, <jpodolinsky@mt.gov>,
> <lscusa@mt.gov>, <rodriguez-newstroml@cdm.com>, Sean
> Earle/R4/USEPA/US@EPA, Steve Wharton/R8/USEPA/US@EPA, Bill
> Murray/R8/USEPA/US@EPA, Victor Ketellapper/R8/USEPA/US@EPA, Sonya
> Pennock/R8/USEPA/US@EPA, Libby Faulk/R8/USEPA/US@EPA
> Subject: RE: Access Agreement

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> Mike;

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> The problems at my neighbors house started when your contractors
> told my neighbor that she would not be able to refinance her home if I
> did not sign an unconditional access agreement for my property and
> verify that your contractors got the property line right. The line was
> initially over a foot off. These pictures show the precision with which
> your contractors proceeded to protect that property line.
> How difficult is it to stretch a string between two points?
> This is why I think anyone who would sign an "unconditional" access
> agreement, which allows your drunken contractors free will to violate
> their property, is a fool.
> I don't want to waste time in a meeting until we clear this first
> obstacle. Is there provision to have a "conditional" access agreement?
> Also, because your contractors lied to my neighbor so much, and EPA
> has a history of bending the truth in Libby, any communications we have
> on my contaminant screening study will be recorded for posterity.
> We will wait and see whether you can answer my first question, and
> agree to being recorded at every discussion of my property, before we
> proceed any further.
> I am not being contentious, and I want the same opportunity to have
> my property screened that every other person in this town has, but I am
> going to protect my rights. The manner in which you bungled my
> neighbors removal action requires these measures.
> Sincerely, DC Orr

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> Subject: Re: FW: Access Agreement
> From: Cirian.Mike@epamail.epa.gov
> To: xcav8orr@hotmail.com
> CC: Campbell.Carol@epamail.epa.gov; jpodolinsky@mt.gov; lscusa@mt.gov;
> rodriguez-newstroml@cdm.com; Earle.Sean@epamail.epa.gov;
> Wharton.Steve@epamail.epa.gov; Murray.Bill@epamail.epa.gov;
> Ketellapper.Victor@epamail.epa.gov; Pennock.Sonya@epamail.epa.gov;
> Faulk.Libby@epamail.epa.gov
> Date: Wed, 22 Jun 2011 14:12:01 -0600
>
> Mr. Orr, You may contact the EPA Information Center at (406) 293-6194
> and set up an appointment to meet with me and one of the Corps on-site
> representatives to discuss the access agreement and questions you may
> have in regards to your property.
>
> Thank you,
> Mike Cirian, PE
> US EPA
> Remedial Project Manager
> 108 East 9th St.
> Libby, MT 59923
> 406-293-6194
>
>
>
> -----DC Orr <xcav8orr@hotmail.com> wrote: -----
> To: <rodriguez-newstroml@cdm.com>, Carol Campbell/R8/USEPA/US@EPA, Mike
> Cirian/R8/USEPA/US@EPA, William Cody/OIG/USEPA/US@EPA, Sean
> Earle/R4/USEPA/US@EPA, <jpodolinsky@mt.gov>, <lscusa@mt.gov>,
> <gordsull@yahoo.com>, <filmwest@gmail.com>
> From: DC Orr <xcav8orr@hotmail.com>
> Date: 06/20/2011 10:06AM
> Subject: FW: Access Agreement
>
> Linda;
>
> I would appreciate some contact info wherein I can initiate the
> access agreement for my property. PRI rep Rob Burton refused to be
> involved in the negotiations if I were going to create a permanent
> record of those negotiations by recording them.
> I have been left out of the CSS for many years and want resolution
> of the issue.
> I need someone to answer my questions. How can I get this done?
> Sincerely, DC Orr
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>
> From: xcav8orr@hotmail.com
> To: rodriguez-newstroml@cdm.com
> Subject: RE: Access Agreement
> Date: Wed, 15 Jun 2011 16:11:08 -0600
>
> Linda;
>
> I would prefer email addresses and names so I can develop a record

> of the questions and responses.
> Thanks, DC
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>
> From: Rodriguez-NewstromL@cdm.com
> To: xcav8orr@hotmail.com
> Date: Wed, 15 Jun 2011 18:05:05 -0400
> Subject: RE: Access Agreement
>
> Thanks DC,
>
> If you have questions this week, you can call USACE @ 293-3567 x 266;
> PRI at 293-3690; or CDM Paul Lammers @ 293-8595 x 228;
>
> Thanks,
>
> Linda
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>
> From: DC Orr [mailto:xcav8orr@hotmail.com]
> Sent: Wednesday, June 15, 2011 3:44 PM
> To: Rodriguez-Newstrom, Linda
> Subject: Access Agreement
>
> Linda;
> Here is a copy of the access agreement that I picked up the other
> day.
> I have some questions before I sign this, who can answer them?
> Thanks, DC
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> [attachment "Photo128.jpg" removed by Mike Cirian/R8/USEPA/US]
> [attachment "Photo129.jpg" removed by Mike Cirian/R8/USEPA/US]
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